

NOMINATION OF JANE HOLL LUTE
TO BE DEPUTY SECRETARY OF
HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 57, the nomination of Jane Holl Lute.

The assistant legislative clerk read the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

Mr. LIEBERMAN. Mr. President, I rise to express my unqualified endorsement of Jane Holl Lute to be Deputy Secretary for the Department of Homeland Security.

Mrs. Lute has impressive educational credentials—including a Ph.D. from Stanford, a J.D. from Georgetown, and 3 years as a professor at West Point—an outstanding professional history, and broad national security and management experience, all of which is more than ample preparation for the position to which she has been nominated.

She had a distinguished career in the military, served as the European specialist at the National Security Council during the first Bush and Clinton administrations, and for the past several years has worked in various positions with United Nations Peacekeeping Operations.

Mrs. Lute joined the Army right out of college and spent the next 16 years serving in a variety of capacities, including as an action officer in Operation Desert Storm, U.S. Army Central Command, Riyadh; as company commander, U.S. Signal Command, a brigade signal officer; and as director for European affairs on the National Security Council for President George H.W. Bush and President Bill Clinton. Her military experience with signals intelligence and on the National Security Council has helped prepare her for the intelligence and counterterrorism missions of DHS.

Since 2003, she has served in a variety of senior leadership positions with the U.N., including as the Assistant Secretary-General of Peacekeeping Operations, and most recently as the Assistant Secretary General for Peacekeeping Support in the Executive Office of the Secretary-General of the U.N.

As Assistant Secretary-General, Mrs. Lute has managed a very large and complex Peacekeeping workforce, with responsibility for hundreds of thousands of military and civilian personnel in over 30 countries, including hotspots such as Kosovo, the Congo, and Darfur, to name just a few. This was no small accomplishment. Her leadership helped to ensure the security and welfare of people around the globe living in unaccommodating and hostile circumstances.

She also managed multibillion-dollar budgets and welcomed oversight and constructive criticism of her department, in an organization that many have described as “openly hostile” to such transparency.

At the U.N., she managed support operations for the second largest deployed military force in the world, and oversaw a multibillion budget, which grew from \$2 billion to nearly \$8 billion annually. She undertook a variety of initiatives to improve the management and financial accountability of the Department of Peacekeeping Operations, which included instituting a requirements review panel for acquisitions and a mission startup monitoring process.

When she noticed that the U.N. was short on the procurement personnel with the language skills and expertise needed for the complex transactions they would work on, she helped institute a program to identify, recruit, and train additional staff.

She also instituted advanced training programs for senior administrative and management personnel, in response to deficiencies she observed.

I am particularly impressed by Mrs. Lute's leadership and management experience in a career dedicated to public service. In her testimony before the Homeland Security and Governmental Affairs Committee last week, it was apparent that her experiences have helped her develop into the leader she is today: One who recognizes that, in her own words, “people are the most important resource any . . . organization has.”

It is a testimony to Mrs. Lute and her work that the committee has received numerous letters supporting her nomination. Letters have come from the International Association of Emergency Managers, the National Emergency Managers Association, the International Association of Fire Chiefs, the Major Cities Chiefs, the National Sheriffs' Association, Lee Baca, the Sheriff of L.A. County, Lee Hamilton, former congressman and current President and Director, Woodrow Wilson International Center for Scholars, HRH Prince Zeid Ra'ad Al-Husseini, Jordan's Ambassador to the U.S., and many others.

Managing the Department of Homeland Security is no small task, demanding a smart and steady hand. The Deputy Secretary post carries with it diverse responsibilities that range from overseeing preparations to respond to a nuclear terrorist attack to ensuring that DHS employees have adequate office space.

DHS has at times struggled to gain solid footing over the course of its six-year lifespan. Each year it becomes stronger, I am happy to note. And I don't think there is any question that the country is safer as a result of the Department's efforts.

But the Department has a difficult and varied mission and its work is central to the security of all Americans. So we must continue to press forward to improve upon its capabilities.

To that end, I am working to draft the Senate's first authorization bill for the Department as a means of laying out what I believe should be its priorities

and to make the Department more efficient and effective in its missions. Needless to say, we will be seeking input from the administration.

One of the biggest problems the Department faces is its management of acquisitions. Some of the Department's largest and most troubled acquisition programs—Deepwater, SBINet, radiation detection portal monitors—need stronger oversight and more decisive leadership than they have gotten in the past.

Furthermore, the Department's heavy reliance on contractors to perform basic services raises serious questions about whether DHS is building sufficient internal capacity and institutional knowledge. Right now, DHS still has insufficient capacity to develop requirements and evaluate the technical feasibility of contractors' proposals.

In recent years the United States has seen serious threats to our cyber networks and we have not yet developed the tools to detect and defend against these threats. Due to the vulnerabilities that still exist, we have experienced massive identity theft, monetary loss, and leaks of sensitive information. Moreover, if these vulnerabilities are ever fully exploited, there is the potential to do significant damage to our Nation's critical infrastructure. The Department of Homeland Security has the important responsibility of leading Federal efforts to protect domestic cyber networks, both public and private. The Department has made some progress in developing its capabilities in this area, but much more work remains to be done. I look forward to working with Mrs. Lute to bolster the nation's cyber security.

Clearly, our southern border security has also become a central focus for the Department and the Obama administration. Senator COLLINS and I successfully amended the budget resolution this week to add \$550 million for the Departments of Homeland Security and Justice to help stem the flow of drugs and people moving north into the U.S. and guns and money moving south into Mexico. I look forward to a close collaboration with the Department in this area.

The Department faces many other challenges that must be met and conquered if it is to succeed in its ultimate mission of protecting the nation from terrorism and natural disasters. This committee has always worked cooperatively with the Department and will continue to do so to ensure its success.

If confirmed, Mrs. Lute will play a large part in setting the Department on course to overcome these challenges. I want to thank her for her many years of service and say that I believe she is exceptionally qualified to take on DHS' challenges. I urge my fellow Senators to support her confirmation.

Mr. COBURN. Mr. President, Jane Holl Lute has been nominated to become the Deputy Secretary for Management at the Department of Homeland Security, (DHS). If confirmed, she would be responsible for the following at DHS: budget, appropriations, expenditure of funds, accounting and finance; procurement; human resources and personnel; information technology systems; facilities, property, equipment, and other material resources; and performance measurements tracking.

After reviewing the parts of her U.N. record that had to be leaked for any of us to know about it, it is clear that Ms. Lute is either not qualified or not experienced to manage the DHS. When pressed to explain the mismanagement, fraud, and corruption that took place under her watch at U.N. Peacekeeping Operations, Ms. Lute consistently diverted blame to other U.N. officials or departments—making it appear she really didn't manage much of the U.N. If accurate, she is not experienced. When pressed to explain how she is experienced enough to manage DHS, Ms. Lute then claims she was at the center of Peacekeeping Operations, managed the internal operations—making it appear that she was responsible for everything. If accurate, this means she is also responsible for the mismanagement and waste. Ms. Lute cannot have it both ways.

An overall assessment of Peacekeeping Operations is that they are saturated in fraud and abuse.

In 2007 and 2008, the U.N. Procurement Task Force, a branch of the U.N. Office of Internal Oversight Services, OIOS, issued several reports that had to be leaked in order for anyone outside the U.N. to know about them.

The reports were based on investigations related to U.N. peacekeeping management and procurement that uncovered a significant amount of corruption, fraud, waste, overpayments, abuse, negligence and mismanagement in a number of high value contracts. This reflects a lack of an internal control system within U.N. Peacekeeping procurement under Ms. Lute's management.¹

The findings of the U.N. audit reports are alarming.

For example, the reports found 43 percent of mostly U.N. peacekeeping procurement tainted by fraud. Out of \$1.4 billion in U.N. contracts internally investigated, \$610 million was tainted by 10 "significant fraud and corruption schemes."² Since 43 percent of the procurement contracts are tainted and the U.S. taxpayer contributes up to 26 percent of all U.N. funding, it is safe to say the entire U.S. contribution in this case was tainted by corruption and waste.

"Total disregard for controls" is how the task force described senior U.N. officials involved in peacekeeping procurement fraud.³ In an environment of no controls, Ms. Lute's Peacekeeping Operations suffered from numerous

problems that greatly increased the cost of operations or lost resources altogether.

Specific examples listed in the report include criminal acts such as bribery and kickback schemes, overpayments to vendors, lack of competitive bidding, lack of acquisition plans, lack of qualified procurement staff, splitting single contracts apart to avoid reporting requirements, transactions with no contract in place, unauthorized contracts issued, use of uneconomical contractors, unnecessary expenditures, and dysfunctional asset and property management.

The task force found that significant Peacekeeping missions lacked "indicators of achievement and performance measures" for the political and civilian affairs components of operations. Specifically, roles and responsibilities were not formally established, and there were no defined reporting lines and accountability.⁴

The task force reports that a major roadblock to its investigation is due to "limited cooperation" from U.N. staff and vendors due to the lack of a compulsory process for obtaining documents and testimony.⁵

Even after the task force exposed Peacekeeping mismanagement, peacekeeping and procurement management were not "consistent in applying the standards to which they are supposed to hold staff accountable."⁶

For each of its audits and investigations, the task force made recommendations to Ms. Lute and her U.N. Peacekeeping team on how to address the serious fraud and mismanagement issues. A number of critical recommendations were not accepted.⁷

Regarding Peacekeeping procurement, Ms. Lute tries to have it both ways by diverting blame but also claiming she still has procurement experience.

When asked at her nomination hearing about the procurement corruption under her watch, Ms. Lute claimed that the corruption and mismanagement was not her fault but the fault of procurement staff in the field.

Since she indicated at the hearing that she had little or no responsibility for the Peacekeeping procurement, Ms. Lute was asked in her questions for the record what other procurement experience she had that would qualify her for managing procurement at DHS. Her written response reveals that Ms. Lute was much more responsible for Peacekeeping procurement than she admitted at the hearing. She wrote in her response that she had "responsibility for oversight of personnel responsible for directly engaging and supervising the provision of contract services."

Another indication that Ms. Lute has a much larger role and influence on Peacekeeping procurement than she admitted at her hearing is how she pushed through a no-bid contract for her mission to Darfur in 2007. In 2007, Lute personally steered a \$250 million no-bid contract for U.N. peacekeeping

in Darfur to a subsidiary of Lockheed Martin.

At the time, the Officer-in-Charge of the U.N. Department of Management where much of the U.N.'s procurement took place sent Ms. Lute a memo responding to her charges that Peacekeeping procurement problems were the fault of the U.N. Department of Management.

While the Department of Management has many faults and has an equally tarnished record within the U.N., the comments in the memo are telling in that they reinforce the findings of several OIOS and Procurement Task Force reports.

According to the memo, Ms. Lute failed to plan for the Darfur peacekeeping mission which led to sole source contracting despite having 18 months to prepare. The memo also indicates Ms. Lute failed the preparedness test by not having a logistics concept in place to embark on a logistics delivery capability at short notice that will also meet U.N. procurement rules. Finally, the memo states that the delays in startup of the mission were due to Ms. Lute constantly changing mission requirements. According to the memo, these delays "constitute a pattern, to which oversight bodies of the U.N. may be less charitable towards and may well find the pattern as troubling."

In a 2008 OIOS Procurement Task Force report, U.N. auditors expressed concerns that based on prior audits and investigations that Peacekeeping Operations will face a "higher-risk exposure to mismanagement, fraud and corruption" as a result of the no-bid contract requested by Ms. Lute.⁸

It is also important to point out that almost the entire U.N. shares concerns about what Ms. Lute did with this contract. In 2007, the U.N. General Assembly voted 142 to 1, sadly with only the United States dissenting, to express concern about the no-bid contract.⁹

Even though Ms. Lute claimed at her hearing that she had little responsibility in contracting decisions or oversight, she clearly had enough influence on the process to pressure her U.N. colleagues to accept a no-bid contract. Why would she then be unable to use this same influence to press for controls, transparency, and accountability in order to protect her Peacekeeping Operations from being undermined by cost overruns, waste, and illicit behavior?

If the assessment from the U.N. official in the Management Department is correct, Ms. Lute failed the preparedness test when it came to rapid deployment of resources and personnel to respond to new crises. Preparedness is what she was responsible for at U.N. Peacekeeping, and it will be what she is responsible for at DHS.

Another indication that Ms. Lute had more responsibility for Peacekeeping procurement than what she admitted to at her hearing was that she publicly defended the Peacekeeping procurement fraud when it was made public in

the media. In 2007, the Washington Post published its report on the Peacekeeping procurement fraud after the U.N. audits were leaked. Ms. Lute chose to respond on behalf of U.N. Peacekeeping. In her op-ed, she makes excuses for the fraud, claims there is no pattern of abuse in peacekeeping procurement, and misrepresented the Washington Post article in order to discredit it. She claims the article was misleading when it said that peacekeeping “suffered losses in the hundreds of millions.” In reality, the article quoted directly from the U.N. audits saying correctly that U.N. auditors found multiple instances of fraud that tainted \$610 million worth of contracts.¹⁰

If Ms. Lute was truly not responsible for the massive amount of procurement fraud, it is odd that she would then choose to represent peacekeeping procurement and rebut this article. Even if she had no responsibility for the mismanagement and fraud, it would have been much more productive if Ms. Lute chose instead to use this opportunity in her op-ed to make the case for reforming Peacekeeping operations and procurement, offer suggestions for cutting waste, and laying out a better preparedness plan and logistics concept. Unfortunately, we have no record of Ms. Lute speaking out about the problems that were undermining U.N. Peacekeeping or offering reform ideas whether at a press conference or in a report to the U.N. Security Council.

The Procurement Task Force released a report in July of 2007 regarding its investigation of ground fuel procurement in the U.N. peacekeeping mission to Haiti, MINUSTAH.¹¹ The conclusion of the report indicated the ground fuel procurement process was not conducted in a fair and transparent manner resulting in bid rigging and the awarding of the contract to a company initially ranked as “non-compliant.” U.N. staff from both Procurement and Peacekeeping Departments was responsible. This report made several findings that reflect on Ms. Lute’s performance as manager of resources and field deployment.

For example, it reports that Ms. Lute failed to staff MINUSTAH with experienced fuel staff that could evaluate the technical and commercial aspects of the fuel contracting.¹²

It also illustrates that Ms. Lute failed to act on the continual supply chain inconsistencies. The report shows that Peacekeeping staff reported problems including the discrepancy between how much fuel was purchased and what was actually delivered, the contractor’s use of substandard fuel tankers, and other problems. Even after the problem had been flagged, the contract was never pulled and reasigned.¹³

Making the U.N.’s risk exposure even worse, under Ms. Lute’s watch, MINUSTAH received its fuel supply with an expired contract. The initial fuel contract expired, and while the

long-term contract was being prepared, the poor-performing contractor continued to supply fuel to the mission without a written contract.¹⁴

Ms. Lute failed to step in when poor-performing contractor was given long-term contract despite repeated reports of inconsistent fuel supply and poor performance measurements.¹⁵ Bid rigging by U.N. Peacekeeping and Procurement staff was again to blame.¹⁶

Since this took place towards the end of her time managing U.N. Peacekeeping, it is telling that, even after five years managing Peacekeeping Operations, Ms. Lute failed to have the proper controls in place that would prevent this from occurring or from being overlooked so many times.

Another U.N. audit report written towards the end of Ms. Lute’s time managing Peacekeeping revealed another mission she deployed without proper controls in place. The Procurement Task Force released an audit in May of 2007 regarding its assessment of procurement fraud indicators in the mission to Liberia, UMIL.¹⁷ The audit was designed to test whether UNMIL had the proper controls in place to protect against fraud and corruption.

Regarding UNMIL’s requisitioning office, which is under Ms. Lute’s management, the audit found that Ms. Lute failed to initiate good business practice and internal control principles by not limiting the number of persons that can raise requisitions.¹⁸ It also found that Ms. Lute failed to staff the requisition office with qualified staff that could ensure specifications on the requisition are accurate. This could lead to inefficient procurement, wasteful purchases, and loss of funds.¹⁹

Ms. Lute’s record responding to Peacekeeper rape and sexual exploitation of women and children is also troubling.

For years, U.N. watchdogs, human rights groups, and now U.N. auditors have been documenting hundreds of allegations and confirmed instances of sexual crimes against women and small children under U.N. peacekeeping care and protection. The perpetrators include both military and civilian Peacekeeping personnel. Allegations of misconduct have been made in every major Peacekeeping operation including the Democratic Republic of Congo, Bosnia, Burundi, Cambodia, Guinea, Haiti, Ivory Coast, Kosovo, Liberia, Sierra Leone, and the Sudan.²⁰

Ms. Lute was responsible for the U.N. response to and prevention of the rape and sexual exploitation. Despite claiming a “zero tolerance” policy and having systems in place to help prevent this abuse, Ms. Lute’s record suggests otherwise with abuse continuing to plague peacekeeping operations and no known prosecution and imprisonment of a single perpetrator.

In 2004, reports first began emerging of the rampant sexual exploitation of children at the Republic of Congo, DRC, peacekeeping mission. According to press reports, in June 2004, U.N.

Peacekeeping managers were informed by the head of the DRC Mission that there were initially 50 allegations of sexual abuse, 42 involving minors, but total allegations rose to 72 in a followup report.²¹ The report detailed acts such as the rape of a minor in a U.N. armored personnel carrier and a prostitution network of minors at the U.N. airport.

The media reports indicate that the investigation done by Ms. Lute and the other managers of U.N. Peacekeeping Operations was fatally flawed. There was no witness protection offered to the victims which led to witnesses being bribed or threatened to change their testimony. Investigators were reportedly ordered to only investigate claims in one town while ignoring the numerous claims made throughout the DRC.

It is also reported that a high-ranking Peacekeeping official for the U.N. Mission to the DRC was sexually exploiting minors as young as 13, and eventually 150 cases were brought against Peacekeeping soldiers and civilians ranging from abduction and rape of minors to the finding of more than 250 images of child pornography involving Congolese children on the laptop of a U.N. official.

The OIOS documented in January, 2005 at least 7 cases of underage sexual abuse committed by U.N. peacekeepers, and all but one of them were fully substantiated.

There were also press reports of abuses in the Sudan during this same time period. According to The Daily Telegraph, in 2005, U.N. officials knew of the sexual abuse of children as young as 12 that began in 2005 soon after the U.N. Peacekeeping mission in Southern Sudan, UNMIS, went to work to rebuild the region.²² A leaked internal report compiled by the U.N. children’s agency, UNICEF, in July 2005 referred to the sexual exploitation perpetrated by U.N. peacekeepers, military policy, and civilian staff. According to the paper, this report was substantiated by a preliminary report from a leading U.N. affiliated NGO that was unwilling to be named for political reasons.

Allegedly hundreds of children have been abused, and the Telegraph has independently documented at least 20 victims claiming U.N. peacekeepers and civilian staff regularly picked up young children in U.N. vehicles and raped them.

As Under Secretary General for Field Support, Ms. Lute was responsible for responding to this issue and implementing policies to prevent this abuse and bring the perpetrators to justice. Sadly, even after implementing weak reforms—such as what amounts to sexual harassment training for peacekeepers—the abuse continued and there are no known prosecutions or imprisonments for the perpetrators.

In 2006, U.N. investigators at the OIOS substantiated reports that U.N. peacekeepers in Liberia had sexually

abused an under-age girl and U.N. peacekeepers in the Sudan had sexually abused four women.²³ In 2008, the NGO Save the Children reported that peacekeepers were sexually abusing very young children in war zones and disaster areas in the Ivory Coast, southern Sudan, and Haiti—and going largely unpunished.²⁴ Save the Children reports, “Children as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, soap and, in very few cases, luxury items such as mobile phones.”

According to Marianne Mollman of Human Rights Watch, the current status of the U.N. response to peacekeeping abuses continues to be poor.²⁵ Mollman describes investigations of the abuse carried out by Ms. Lute as follows: lack of speed of investigations, lack of transparency and follow through of investigations, and lack of breadth of investigations.

There are other instances of illicit behavior going largely unpunished during Ms. Lute’s tenure at Peacekeeping. In 2008, Human Rights Watch issued a letter regarding several cases where Peacekeepers were involved in other illicit activities such as gold-smuggling and weapons trading. In these cases, like the sexual abuse case, Human Rights Watch reports that “the slow process in carrying out this investigation and the continued lack of action raises important questions on how the U.N. investigates itself.”²⁶

When I questioned Ms. Lute about the number of victims she provided assistance to, the budget of her victims’ assistance program, the number of perpetrators she successfully had prosecuted, and other basic information, she responded saying she knows of no reports that track this information. This is a disturbing answer from someone claiming to effectively deploy victims’ assistance into the field while reports on the ground claim there are many victims that have been waiting for over 4 years but still have not received assistance from Ms. Lute. This certainly does not sound like a policy of “zero tolerance.”

In her response, Ms. Lute also points out that she coordinated meetings and discussions and conferences at the U.N. regarding Peacekeeping abuse and victims’ assistance. But she cannot produce any evidence or information illustrating she carried out the victims’ assistance programs or whether any such programs were effective.

In my questions for the Record, in order to ascertain whether or not Ms. Lute has the qualifications to manage DHS, I asked Ms. Lute whether she had experience managing DHS issues and activities such as border security, immigration, port security, counterterrorism, or other DHS-specific portfolios. In her written response, Ms. Lute claims she had “responsibilities for border security and management where stopping the flow of illegal arms and narcotics is a central part of the Mission’s mandate.”

It is important to point out that we have no evidence or data that suggests Ms. Lute has been successful in this endeavor. Using the Peacekeeping Mission to Lebanon as an example, this one mission alone illustrates Ms. Lute’s poor performance at stopping the flow of illegal arms as Hezbollah has, on multiple occasions, successfully armed and rearmed on the Israeli border. There are also multiple reports of illegal arms smuggling involving Peacekeepers in Africa supplying arms to local militias.²⁷

Ms. Lute also pointed out that she operated a port in the Congo along a river. When I questioned her at the hearing regarding her responsibility for the abuse that took place in the Congo on her watch, she claimed that she had little “on the ground” management responsibilities. Her story changes when asked to provide her experience and qualifications to manage DHS.

In her response to my prehearing questions, Ms. Lute indicated that she utilized several performance indicators to determine whether or not her programs were effective. I then asked Ms. Lute whether there is any record of these performance measures or any reports that audit her operations based on these indicators. Ms. Lute responded that she “cannot recall specifically which report or which measure” were tracking her performance. In other words, it appears Ms. Lute has not received specific performance reports and lacks a working knowledge of how she performed according to those standards. I believe it is impossible to manage what you do not measure.

Unfortunately for Ms. Lute, the entire U.N. system, including Peacekeeping Operations, lacks even the most basic transparency or accountability. Without transparency, we cannot discover whether or not there is evidence that Ms. Lute, during her tenure at U.N. Peacekeeping, was able to turn her operations around, institute controls, make policy reforms, and whether these efforts were successful.

Every U.N. report that we were able to receive after they were first leaked indicates that operations under Ms. Lute’s management were undermined by fraud, waste, corruption, and mismanagement. We have no positive record of Ms. Lute’s performance measurements. Several former U.N. officials have written letters of endorsement for Ms. Lute, but the endorsements were based on Ms. Lute’s verbal commitment to address the waste and fraud, and none of these officials actually investigated what Ms. Lute did in response or whether her response was effective.

I believe that Ms. Lute is unqualified and inexperienced to manage the Department of Homeland Security. Given her record that we are able to document, I cannot in good conscience support her nomination.

ENDNOTES

¹Report of the Office of Internal Oversight Services Part two: peacekeeping oper-

ations,” U.N. Office of Internal Oversight Services, February 23, 2007 and “Report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007,” U.N. Office of Internal Oversight Services, October 5, 2007—<http://tinyurl.com/9ext17>; “Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007,” U.N. Office of Internal Oversight Services, February 25, 2008.

²OIOS, October 5, 2007, pg. 16.

³OIOS, February 23, 2007, pg. 2.

⁴OIOS, February 25, 2008., pg. 11.

⁵OIOS, October 5, 2007, pg. 2.

⁶OIOS, February 23, 2007, pg. 8.

⁷OIOS, February 23, 2007, pg. 17.

⁸Pg 9–10, “Report on the activities of the Office of Internal Oversight Services for the period from 1 January to 31 December 2007,” U.N. Office of Internal Oversight Services, February 25, 2008.

⁹Lee, Matthew Russel, “UN’s Jane Holl Lute Admits No-Bid Lockheed Martin Deal Caused ‘Confusion,’ Says No Conflict of Interest In Iraq and Afghan Overlap with Husband’s Role,” *InterCity Press*, February 11, 2008—<http://tinyurl.com/cvycq6>

¹⁰Lynch, Colum, “U.N. Finds Fraud, Mismanagement in Peacekeeping,” *Washington Post*, December 18, 2007; Lute, Jane Holl, “Overstating Corruption at the U.N.,” *Washington Post*, December 26, 2007.

¹¹“Report on the Ground Fuel Procurements at MINUSTAH,” Report no. PTF-R010/07, OIOS, July 16, 2007.

¹²OIOS, July 16, 2007, pg. 10.

¹³OIOS, July 16, 2007, pg. 22.

¹⁴OIOS, July 16, 2007, pg. 24.

¹⁵OIOS, July 16, 2007, pg. 33.

¹⁶OIOS, July 16, 2007, pg. 44.

¹⁷“Audit Report: Procurement fraud indicators in UNMIL,” Assignment no. AP2006/626/02, OIOS, May 21, 2007.

¹⁸OIOS, May 21, 2007, pg. 2.

¹⁹OIOS, May 21, 2007, pg. 3.

²⁰Schaeffer, Brett, “United Nations Peacekeeping: The U.S. Must Press for Reform,” *Heritage Foundation*, September 18, 2008—<http://tinyurl.com/brazs6>

²¹Holt, Kate and Sarah Hughes, “UN: When peacemakers become predators,” *The Independent*, January 11, 2005

²²Holt, Kate and Sarah Hughes, “U.N. Staff Accused of Raping Children in Sudan,” *The Daily Telegraph*, January 4, 2007—<http://tinyurl.com/ymptgt>

²³“Report of the Office of Internal Oversight Services Part two: peacekeeping operations,” Office of Internal Oversight, February 23, 2007.

²⁴Corinna Csáky, “No One to Turn To: The Under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers,” *Save the Children*, 2008—<http://tinyurl.com/cun6zb>

²⁵Phone interview with and email from Marianne Mollman, Human Rights Watch, February 2, 2008.

²⁶Roth, Kenneth and Steve Crawshaw, “UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through,” *Human Rights Watch*, July 22, 2007—<http://tinyurl.com/dj36xb>

²⁷Roth, Kenneth and Steve Crawshaw, “UN: Hold Peacekeepers Accountable for Congo Smuggling: Letter to Chief of UN Peacekeeping Urges Follow-Through,” *Human Rights Watch*, July 22, 2007—<http://tinyurl.com/dj36xb>; “Peacekeepers sell arms to Somalis,” *BBC News*, May 23, 2008—<http://news.bbc.co.uk/2/hi/africa/7417435.stm>.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of Jane

Holl Lute to be Deputy Secretary of Homeland Security?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Senate was poised today to confirm three more superbly qualified nominees to fill top leadership positions at the Department of Justice before adjourning for the 2-week April recess. Instead, the Republican minority has returned to the tactics of anonymous and unaccountable holds they employed when they were in the majority to block scores of President Clinton's nominees.

Attorney General Holder needs his leadership team in place to rebuild and restore the Department. Tony West, President Obama's nominee to lead the Civil Division, Lanny Breuer, nominated to head the Criminal Division, and Christine Varney, nominated to head the Antitrust Division, have all chosen to leave lucrative private practices to return to Government service.

None of these are controversial nominees. They all received numerous letters of strong support, and endorsements from both Republican and Democratic former public officials. They were all reported out of the Judiciary Committee last week by unanimous consent. We should be confirming them today, not holding them hostage to the tired partisan playbook of Senate Republicans.

Tony West knows the Department of Justice well. He served in the Department as a Special Assistant to Deputy Attorneys General Philip Heymann and Jamie Gorelick. He then worked as a Federal prosecutor in the U.S. Attorney's Office for the Northern District of California. His commitment to public service continued when he became a Special Assistant Attorney General in the California Department of Justice. He has also worked in private practice. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

His nomination has earned support from both sides of the aisle. The former chairman of the California Republican Party, George Sundheim, sent a letter to the committee stating that Mr. West is admired by "both sides of the aisle" for his "integrity, honesty and decency," and that there is no one "more qualified to assume a position of leadership in the Department of Justice." The Federal prosecutors who worked across the table from Mr. West during the high-profile prosecution of John Walker Lindh witnessed Mr. West's "extraordinary professionalism," and "smart advocacy . . . executed with the highest degree of integrity." We should be confirming this outstanding leader for the Civil Division today.

President Obama has said that Lanny Breuer has the "depth of experience and integrity" to fulfill the highest standards of the American people and the Department of Justice. I agree. Mr. Breuer began his legal career as an assistant district attorney in the Manhattan District Attorney's Office. He told us during his hearing that his commitment to ensuring justice for all Americans stemmed from his days working on the front lines of the fight against crime as a Manhattan prosecutor. His call to public service continued while serving in the White House Counsel's Office as a special counsel to President Clinton. Mr. Breuer has also worked in private practice for the prestigious Washington, DC, law firm of Covington & Burling. He is a graduate of Columbia Law School and Columbia University.

Michael Chertoff, who led the Criminal Division at the Department of Justice during the Bush administration, endorsed Mr. Breuer's nomination, saying he has "exceptionally broad legal experience as a former prosecutor and defense attorney" and has "outstanding judgment, a keen sense of fairness, high integrity and an even temperament." Brad Berenson, a veteran of the Bush administration's White House counsel's office, writes that Mr. Breuer is "everything one could hope for in a leader of the Criminal Division."

Mr. Breuer's former colleagues from the Manhattan District Attorney's Office have said that as a criminal prosecutor, he "distinguished himself as a tenacious but scrupulously fair trial lawyer, driven by the unwavering goal of achieving justice." Former Deputy Attorney General Larry D. Thompson and former Congressman and DEA Administrator Asa Hutchinson have also written to the committee in support of Mr. Breuer's nomination. I agree with all their comments and wish the Republican minority was not stalling confirmation of Mr. Breuer's nomination.

Christine Varney was confirmed to be a U.S. Federal Trade Commissioner in 1994, after being nominated by President Clinton. As a Federal Trade Commissioner, Ms. Varney gained valuable experience in antitrust enforcement and in reducing anticompetitive measures that harm American consumers. Her Government service work includes a high level position in President Clinton's White House, where she served as an assistant to the President and secretary to the Cabinet. She has worked in private practice for the prestigious Washington, DC, law firm of Hogan & Hartson. She also graduated from my alma mater, the Georgetown University Law Center.

Her nomination is supported by individuals who served in the Antitrust Division during both Democratic and Republican administrations. John Shenefield and James Rill, both former heads of the Antitrust Division, say that she is "extraordinarily well qualified to lead the Antitrust Division."

Twenty former chairs of the American Bar Association Section of Antitrust Law have described Ms. Varney as a "highly accomplished, capable nominee who will serve consumers and this country with distinction" and who will have "immediate credibility" in her new position.

I agree. At a time when our economy is suffering, there is a temptation to act anticompetitively. We need to make sure that we have a strong and effective advocate for competition and the interests of consumers in place. Now is not the time for delay.

Republican Senators delayed for weeks the confirmation of Harvard Law School Dean Elena Kagan to be the Solicitor General of the United States, before demanding an extended debate on her nomination. They have yet to consent to a time agreement on the nomination of Dawn Johnsen to lead the critical Office of Legal Counsel. And they are now holding up three nominations today, including the nomination of Christine Varney to head the Antitrust Division. I am concerned that Republican delay tactics are creating a double standard for these highly qualified women. Republicans did not apply the same standards or make the same demands for extensive followup information and meetings when supporting President Bush's nominations to the same posts.

Indeed, The New York Times and Roll Call yesterday each featured reports suggesting that Senate Republicans intend to, and are planning to, filibuster the nomination of Dawn Johnsen to serve as the Assistant Attorney General for the Office of Legal Counsel at the Justice Department. I cannot remember a time when Democratic Senators filibustered a Justice Department nomination. Speech after speech by Republican Senators just a few short years ago about how it would be unconstitutional to filibuster Presidential nominees appear now to be just speeches that served a partisan political purpose at the time.

During last week's formal installation of the Attorney General, President Obama reminded Americans and the world that what makes our country unique is that "we are bound together not by a shared bloodline or allegiance to any one leader or faith or creed, but by an adherence to a set of ideals." The men and women at the Department of Justice have a special duty to uphold the rule of law because "laws are only as effective, only as compassionate, [and] only as fair as those who enforce them."

All of the nominees we should be considering and confirming today fit the mold described by President Obama and the best traditions of the Department of Justice. I urge Republican Senators to reconsider their partisan obstructionist approach and return from recess ready to end the delays and confirm these nominees.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDER OF PROCEDURE—
EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Monday, April 20, at 5:30 p.m., the Senate proceed to executive session to consider the following nominations, and that once reported, the Senate proceed to vote as follows:

Calendar No. 34, the nomination of Tony West; Calendar No. 35, the nomination of Lanny Breuer; Calendar No. 36, the nomination of Christine Anne Varney.

I further ask that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; and after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that upon confirmation of the nominations, the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD, as if read, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 43, the nomination of Christopher R. Hill, to be Ambassador to Iraq.

The assistant legislative clerk read the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sand-

ers, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the nominations specified in a previous order for Monday, April 20, there be 20 minutes of debate, equally divided and controlled between the leaders or their designees prior to the cloture vote on the Hill nomination, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL MICHAEL OUELLETTE

Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of Marine Cpl Michael W. Ouellette, a 29-year-old native of Manchester, NH. Corporal Ouellette died on March 22, 2009, as a result of injuries sustained from an improvised explosive device while on foot patrol in the Helmand Province of Afghanistan. Another marine was killed in the attack and two others were injured.

Corporal Ouellette graduated from Memorial High School in Manchester in 1999. He joined the Marines in June 2005 and was trained as an infantryman. He served two terms in Iraq, deploying there in March 2006 and again in July 2007. He began his third tour overseas when he deployed to Afghanistan in November 2008. Ouellette was assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, NC.

Corporal Ouellette served with honor and distinction throughout his highly decorated military career. He received a number of awards for his duty, including the Afghanistan Campaign Medal, the Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal.

New Hampshire is proud of Corporal Ouellette's service to and sacrifice for our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

Corporal Ouellette is survived by his parents, Donna and Leonard Ouellette, as well as a brother, Alan, and a sister, Stephanie. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring U.S. Marine Cpl Michael Ouellette.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to Cpl Michael Ouellette of Manchester, NH, for his service and the sacrifice he paid for his country.

Michael exhibited willingness and enthusiasm to serve and defend his country after visiting hurricane-ravaged New Orleans in 2005. He subsequently joined the U.S. Marine Corps and served two tours of duty in Iraq before deploying to Afghanistan. Tragically, on March 22, 2009, Michael paid the ultimate sacrifice. In support of his brothers in arms and the country he loved, Michael was killed by an improvised explosive device in Helmand Province, Afghanistan. Corporal Ouellette will live on as a decorated hero and the epitome of a patriot.

Michael graduated from Manchester Memorial High School in 1999. A beloved member of the Manchester community, Michael was the embodiment of selflessness. With the same sense of altruistic integrity that led him to help an unfamiliar and unsuspecting Memorial High classmate fix a flat tire; Michael answered the call to help his country.

In giving his life to protect our freedoms, Michael personified our greatest attributes as citizens. His hard work and dedication was paramount to his unit's success and places him among the great heroes and citizens our state has known. Michael was regularly recognized for his courageous actions in Afghanistan and Iraq, receiving the Afghanistan Campaign Medal, Combat Action Ribbon, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, the Iraq Campaign Medal, and the National Defense Service Medal. He will always be remembered for his courage, kindness, and unwavering devotion.

My thoughts, condolences, and prayers go out to Michael's family. I offer them my deepest sympathies and heartfelt thanks for Michael's service. We will keep his memory alive knowing that his efforts have made us safer and have preserved the liberties we enjoy every day. God Bless Michael Ouellette.

60TH ANNIVERSARY OF THE
NORTH ATLANTIC TREATY ORGANIZATION

Ms. MIKULSKI. Mr. President, I wish today to recognize the 60th anniversary of the creation of the North Atlantic Treaty Organization.

Sixty years ago this April, NATO was created to ensure the freedom and security of western nations in the aftermath of the Second World War. Since